

**U.S.P.S. EXPRESS MAIL "POST OFFICE TO ADDRESSEE" SERVICE  
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Date of Deposit: November 10, 2004

Our Case No. 115/575

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Milani et al.	)	
	)	Examiner: Steven L. Weinstein
Serial No.: 09/609,016	)	
	)	Group Art Unit No.: 1761
Filing Date: June 30, 2000	)	
	)	
For: FOOD SLICE CONSISTING OF TWO	)	
OR MORE FOOD ITEMS AND	)	
PROCESSES FOR MAKING AND	)	
PACKAGING SAME	)	

**SUBSTANCE OF INTERVIEW OF APRIL 13, 2004**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On April 13, 2004, the applicants' former attorney conducted a telephone interview with Examiner Weinstein to discuss the pending Office Action dated March 11, 2004.

The rejection of pending claims 1-14, 16-34, 36-38, 40, 43, 60, 63, 64 and 66-79 under 35 U.S.C. § 112, first paragraph, as set forth in the non-final Office Action mailed August 1, 2003, as well as the final Office Action mailed March 11, 2004 was discussed. Claims 80-82 previously presented in the Rule 115 Amendment filed September 3, 2003, were also discussed.

The applicants' attorney proposed amending claims 1, 14, 34, 38, 40, 60, 63 and 80 to clarify that at least nut butter and jelly are the different food items involved, that sugar syrup is added to each of the nut butter and jelly (at least in the specific embodiment of a combined nut butter and jelly food portion claimed here), and that the differential water activity of the nut butter and jelly within the wrapped food portion is less than about 0.5 (support for this is found at page 17, first paragraph, of the specification as originally filed). A further amendment was also proposed to clarify that a vertical form and fill machine is used to combine and wrap the food items into a wrapped food portion, which further distinguishes the claimed invention from cited prior art processes using horizontal form and fill machines such as disclosed by Ahad (U.S. Pat. No. 6,199,346).

The Examiner's first question at page 2 of the non-final Office Action was also discussed. In the non-final Office Action, the Examiner raised an issue as to whether peanut butter falls within the definition of "gel" found at page 7 of the instant application (i.e., "gel" or 'gelling agent' means substances that qualify as gels as that term is normally used in the art of food science, and refers to a colloid in a form more solid than a sol"). The applicants' attorney proposed that the term "gel" be removed from the claims or removed from them insofar as they recite nut butter as a "gel" (Claims 1, 14, 34, 38, 60 and 80).

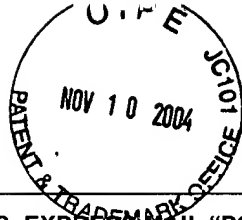
Additionally, the applicants' attorney proposed that the matter which the Examiner indicated as new matter be canceled from the specification. In particular, the definition "maintaining individual product identity" would be revised to its original form, such that the two or more different food items may be visually discerned from each other at the surface.

Dated: November 9, 2004

Respectfully submitted,



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Former Attorney for Applicants



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Filing Date: June 30, 2000	)	
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For: FOOD SLICE CONSISTING OF	)	
TWO OR MORE FOOD ITEMS	)	
AND PROCESSES FOR MAKING	)	
AND PACKAGING SAME	)	

**SUBSTANCE OF INTERVIEW OF SEPTEMBER 7, 2004**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

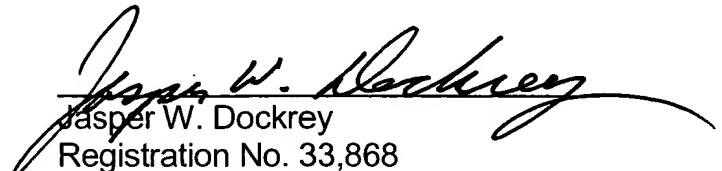
Dear Sir:

On September 7, 2004, the applicants' undersigned attorney conducted a telephone interview with Examiner Weinstein to discuss the pending Office Action dated March 11, 2004.

The rejection of pending claims 1-14, 16-34, 36-38, 40, 43, 60, 63, 64 and 66-82 under 35 U.S.C. § 112, first paragraph, as set forth in the non-final Office Action mailed August 1, 2003, as well as the final Office Action mailed March 11, 2004 was discussed.

The Examiner asserted that the addition of sugar syrup at a specific time during the process appeared to be important in view of the applicants' specification. The Examiner also stated that the claims were vague with respect to the process methodology of combining the nut butter and jelly. The Examiner further pointed out that the claims needed rephrasing to correct numerous antecedent basis problems.

Respectfully submitted,

  
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